

CITY OF HOLLISTER CITY COUNCIL

Minutes of Regular Meeting

April 4, 2005

CALL TO ORDER:

The regular meeting of the City Council of the City of Hollister was called to order by Mayor Valdivia on April 4, 2005, at 6:02 p.m. in the City Council Chambers at City Hall.

ROLL CALL: Roll was answered as follows:

PRESENT: Mayor Pauline Valdivia, City Council Members Brad Pike, Doug Emerson, Robert Scattini, and Monica Johnson, City Manager Clint Quilter, City Attorney Elaine Cass, and City Clerk Geri Johnson.

ABSENT: None.

STAFF PRESENT: Police Chief Jeff Miller, Interim Public Works Director Steve Wittry, Airport Manager Bill Gere, Community Services Director Clay Lee, Administrative Services Director Robert Galvan, Interim Development Services Director Bill Avera, Planning Manager Susan Heiser, Planner Maria DeLeon, and Code Enforcement Officer Mike Chambless.

VERIFICATION OF AGENDA POSTING:

The Agenda for the City Council of the City of Hollister meeting of April 4, 2005, was posted on the bulletin board at City Hall on March 30, 2005, at 4:50 p.m. per Government Code Section 54954.2.

STUDY SESSION:

The City Council discussed items A2, D3, and F1.

The City Council recessed at 6:24 p.m.

The City Council reconvened at 6:35 p.m. All Members present per Roll Call.

CLOSED SESSION AGENDA:

- A. Public comment for Closed Session agenda.

None.

- B. Mayor Valdivia announced that the City Council of the City of Hollister would meet in Closed Session to discuss all or some of the following matters:

1. Conference with Legal Counsel - Anticipated Litigation - Significant Exposure to Litigation pursuant to Government Code Section 54956.9(b) - (2 potential cases will be discussed)
2. Conference with Legal Counsel - Anticipated Litigation - Initiation of Litigation pursuant to Government Code Section 54956.9(c) - (2 potential cases will be discussed)
3. Conference with Legal Counsel - Pending Litigation - pursuant to Government Code Section 54956.9(a)
 - a. RWQCB - Cease and Desist Order No. R3-2002-0105
 - b. City of Hollister v. Monterey Insurance Company, California Capital Insurance Company, Case Number M65916
 - c. Nicholson v. Hollister, Case Number CU-04-00063
 - d. Borges et al v. Hollister, Case Number CV030139
 - e. City of Hollister v. Albert Rodriguez, et al., Case Number CU-04-00076
4. Conference with Labor Negotiator pursuant to Government Code Section 54957.6:

Agency Negotiator: Clint Quilter
Employee Organizations: Service Employees International Union, Local 817; Hollister Firefighters Union - Local 3395; Hollister Peace Officers Association; Hollister Mid-Management Association; and un-represented employees in classifications designated as Executive Management and Confidential
5. Threat to Public Services of Facilities pursuant to Government Code Section 54957:

Consultation with City of Hollister Chief of Police

City Council Regular Meeting
April 4, 2005

Council Member Scattini moved to recess to Closed Session at 6:35 p.m. to discuss the items listed above. Motion seconded by Council Member Emerson and carried by a unanimous vote.

The City Council reconvened at 7:03 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL: Roll was answered as follows:

PRESENT: Mayor Pauline Valdivia, City Council Members Brad Pike, Doug Emerson, Robert Scattini, and Monica Johnson, City Manager Clint Quilter, City Attorney Elaine Cass, and City Clerk Geri Johnson

ABSENT: None.

VERIFICATION OF AGENDA POSTING:

The Agenda for the City Council of the City of Hollister meeting of April 4, 2005, was posted on the bulletin board at City Hall on March 30, 2005, at 4:50 p.m. per Government Code Section 54954.2.

PRESENTATION:

First Quarter Employee Service Awards were presented to the following: Pete Galvan (10 years), Adolfo Salinas (15 years), Marcelo Orta (30 years), and Greg Thul (20 years).

CLOSED SESSION:

City Attorney Cass announced that the City Council of the City of Hollister had discussed the following in Closed Session and there is nothing to report:

1. Conference with Legal Counsel - Pending Litigation - pursuant to Government Code Section 54956.9(a)
 - a. City of Hollister v. Monterey Insurance Company, California Capital Insurance Company, Case Number M65916
 - b. Nicholson v. Hollister, Case Number CU-04-00063

A. CONSENT RESOLUTION (April 4, 2005):

1. Minutes of Special Joint Meeting of March 5, 2005 and Regular Meeting of March 21, 2005.
 - (a) Approved the Minutes of the Special Joint Meeting of March 5, 2005 and the Regular Meeting of March 21, 2005, as submitted.
2. Warrant Register.
 - (a) Received transmittal, Warrant Register, from Administrative Services Director Galvan.
 - (b) Ratified and approved the Warrant Register:
dated March 24, 2005, in the amount of \$434,675.89

Council Member Emerson moved to adopt the Consent Resolution (April 4, 2005) as stated above. Motion seconded by Council Member Pike and carried by a unanimous vote.

B. PETITIONS, REMONSTRANCES, AND COMMUNICATIONS:

1. Public Input.
 - (a) None.

C. PUBLIC HEARINGS: (on or about 7:00 P.M.)

1. Minor Subdivision #2003-2 (JaMann Subdivision).
 - (a) Received transmittal dated March 25, 2005, Minor Subdivision #2003-2 (JaMann Subdivision), from Planning Manager Heiser.
 - (b) Received presentations from Planner DeLeon and Planning Manager Heiser.
 - (c) Received comments from Jim Paxton, attorney for the applicant, regarding traffic. He urged the City Council to approve the request to adopt the Mitigated Negative Declaration.
City Attorney Cass commented that the City Council by Resolution No. 2002-275 did reverse the Planning Commission but did not require an EIR.
 - (d) Received comments from Jeff Elia with Hexagon Transportation Consultants spoke regarding traffic and stated that re-striping Nash Road would mitigate the traffic problems and that a signal is not warranted at Nash Road and Cushman based on the traffic count.
 - (e) This being the time and place as noticed and continued from March 21, 2005, the Public Hearing was opened at 7:40 p.m.

- (f) Jennifer Coile, Hollister, CA spoke opposing the project as future traffic has been under counted and there is no guarantee that existing businesses will stay forever. She requested that the City Council deny the approval and require an EIR.
- (g) Steve Rosati, Hollister, CA addressed the City Council strongly opposing the project. He believes that the traffic will increase, the level of service will greatly decrease, and the air quality will be affected.
- (h) Pat Loe, Hollister, CA stated that the project would be a violation of CEQA and that traffic and the sewer would be impacted. She also believes that the General Plan service levels will not be met.
- (i) Gordon Machado, Hollister, CA spoke concerning the traffic impact on Cushman Street and additional impact on Severinsen Street as traffic from the project would use neighborhood streets. Traffic is backed up now on Nash Road and sometimes residents have to turn East to go West. Mr. Machado agrees that the property owners have cared for the property and should develop, BUT with an EIR.
- (j) Bill Mifsud, Hollister, CA stated he has seen traffic grow and grow. He is very concerned with traffic as well as the pedestrian traffic. Mr. Mifsud urged the City Council to not approve the project until there is a reasonable answer or solution.
- (k) Jeff Elia and Jim Paxton reiterated the completeness of the most current traffic study and level of service and that the hours at the High School may change to help improve traffic.
- (l) There being no other speakers for or against the matter, the Public Hearing was closed at 8:28 p.m.
- (m) City Council discussion.
- (n) Council Member Emerson moved to approve the request of a minor subdivision for a 7.4-acre commercial property located at the corner of Cushman Street and Nash Road into four (4) lots and directed staff to prepare a Resolution adopting the Mitigated Negative Declaration. Motion seconded by Council Member Scattini and carried by a unanimous vote.

D. INTRODUCTION AND ADOPTION OF RESOLUTIONS AND ORDINANCES:

1. Read by Title Only and Introduce Ordinance No. 996, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HOLLISTER ADDING SECTION 10.44.146 TO THE MUNICIPAL CODE PROHIBITING THE USE OF BICYCLES IN SKATEBOARD PARKS.
 - (a) Received transmittal dated March 24, 2005, An Ordinance of the City

- Council of the City of Hollister Adding Section 10.44.146 to the Municipal Code Prohibiting the Use of Bicycles in Skateboard Parks, from City Attorney Cass.
- (b) Council Member Johnson moved to Read by Title Only and Introduce Ordinance No. 996, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HOLLISTER ADDING SECTION 10.44.146 TO THE MUNICIPAL CODE PROHIBITING THE USE OF BICYCLES IN SKATEBOARD PARKS. Motion seconded by Council Member Emerson and carried by a unanimous vote.
 - (c) City Attorney Cass read by title only Ordinance No. 996.
2. Resolution No. 2005-50, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER ADOPTING THE 2004 COMMUNITY MEDIA ACCESS PARTNERSHIP (CMAP) ANNUAL REPORT.
- (a) Received transmittal dated March 16, 2005, Consider Resolution No. 2005-50, A Resolution of the City Council of the City of Hollister Adopting the 2004 Community Media Access Partnership (CMAP) Annual Report, from Community Services Director Lee.
 - (b) Council Member Emerson moved to adopt Resolution No. 2005-50, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER ADOPTING THE 2004 COMMUNITY MEDIA ACCESS PARTNERSHIP (CMAP) ANNUAL REPORT. Motion seconded by Council Member Johnson and carried by a unanimous vote.
3. Resolution No. 2005-51, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE ORDER FOR REPAIRS AND COMPLETING INSTALLATION OF NEW CONTROL SYSTEM PANEL LOCATED AT 2ND AND EAST STREET SANITARY SEWER LIFT STATION.
- (a) Received transmittal dated March 24, 2005, A Resolution of the City Council of the City of Hollister Authorizing the City Manager to Execute a Purchase Order for the Purchase and Installation of a New Control Panel for Electrical Components, Pump Controls and SCADA Systems Located at the 2nd and East Street Lift Station, from Utility Supervisor Clifford.
 - (b) Council Member Scattini moved to adopt Resolution No. 2005-51, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE ORDER FOR REPAIRS AND COMPLETING INSTALLATION OF NEW CONTROL SYSTEM PANEL LOCATED AT 2ND AND EAST STREET SANITARY SEWER LIFT STATION. Motion

seconded by Council Member Pike and carried by a unanimous vote.

4. Resolution No. 2005-52, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER SUPPORTING MEASURE L FOR HAZEL HAWKINS HOSPITAL.
 - (a) Received transmittal dated March 24, 2005, Resolution Supporting Measure L, from City Clerk Johnson.
 - (b) Ken Underwood, Hollister, CA representing Hazel Hawkins Hospital addressed the City Council regarding Hazel Hawkins Hospital, the Health Care District, and Measure L and thanked the Council Members for their support of the \$31 million bond measure to make improvements at the Hospital.
 - (c) Council Member Scattini moved to adopt Resolution No. 2005-52, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER SUPPORTING MEASURE L FOR HAZEL HAWKINS HOSPITAL. Motion seconded by Council Member Pike and carried by a unanimous vote.

E. REPORTS OF CITY COUNCIL, OFFICERS, BOARDS, AND COMMITTEES:

1. Reports from City Council, City Manager, City Attorney, and Staff.
 - (a) City Manager Quilter - announced that the proposed study session will be held on April 25, not April 11, beginning at 6:30 p.m.; the next regular meeting will be held on April 18 and will start at the new time of 6:30 p.m.; on the agenda for the 18th will be a report on purchasing, the use of CalCards, and a facilitator for a retreat in May.
 - (b) City Attorney Cass - nothing to report.
 - (c) City Clerk Johnson - nothing to report.
 - (d) City Council Member Pike, District 1 - attended the Homeless Task Force meeting which is going well; a Board of Directors has been formed; the next meeting is April 15 at 2:00 p.m.; will be at the High School for the safety project, Every 15 minutes, regarding drunk drivers.
 - (e) City Council Member Emerson, District 4 - is impressed with the direction of the Homeless Task Force; and attended the reception for the recognition of John Rose.
 - (f) City Council Member Johnson, District 5 - congratulated John Rose as the Hunger fighter of the Year; thanked Leal Vineyards for hosting the reception for John Rose; thanked San Justo Reservoir for doing the egg hunt; attended the Sweets and Wines on Saturday night and it was nice to see new businesses represented; thanked the Bistro

427 for being downtown and providing a good service and wonderful food; and thanked George Villegas for the water tour even if it was cut short due to broken water pipes.

- (g) City Council Member Scattini, District 2 - announced that his 12 year old pet rabbit , Shotgun, died.
- (h) Mayor Valdivia, District 3 - also congratulated John Rose as the Community Pantry Volunteer of the Year and was happy to present a Proclamation to him on behalf of the City; and would like a report on the Hollister Municipal Airport on the study session for April 25.

2. Reports from City Council Committees.

- (a) Marley Holte advised the City Council that the Homeless Task Force is moving ahead with plans for a shelter. They will be applying for grant money for the shelter on Southside Road but the grant must be for a shelter within the City limits and he will pursue that with Council Members Emerson and Pike. Homeless people are now being fed by Fishes and Laoves.
- (b) No other reports were given.
- (c) Information only; no City Council action taken.

3. Receive report regarding water and wastewater issues.

- (a) Received oral report from City Manager Quilter.
- (b) Information only; no City Council action taken.

4. Hollister Gang Task Force Advisory Board Report.

- (a) Received transmittal dated March 25, 2005, Hollister Gang Task Force Advisory Board Report to City Council, from Chief of Police Miller.
- (b) The next community meeting will be held at the San Benito High School on Wednesday, April 6. There will be discussions for solutions.
- (c) Information only; no City Council action taken.

F. UNFINISHED BUSINESS:

1. City Council Review of Existing Cardroom Regulations (Chapter 5.16).

- (a) Received transmittal dated March 24, 2005, City Council Review of Existing Cardroom Regulations (Chapter 5.16), from City Attorney Cass.

- (b) David Kaplansky, Hollister, CA introduced himself and Charles Felice who are both instructors at the San Andreas Community School. He said they want to have more businesses in the downtown area, have contracted with the Presidential Security Company; alcohol will be prohibited in their card room; they will comply with all City regulations; the card room will be next to Maverick BBQ where food will be available; the building owner is supportive; \$200 will be the maximum bet; and they will not have security personnel from noon to 6:00 p.m.
- (c) Marley Holte, San Juan Bautista, CA commented that there is not enough recreation for adults and he fully supports the card room.
- (d) Council Member Scattini moved to maintain the current regulations pursuant to the Hollister Municipal Code. Motion seconded by Council Member Pike and carried by a unanimous vote.

G. NEW BUSINESS:

None.

H. MISCELLANEOUS:

None.

ADJOURNMENT:

There being no further business to come before the City Council of the City of Hollister, the regular meeting of April 4, 2005, was adjourned at 9:52 p.m. by motion of Council Member Emerson. Motion seconded by Council Member Johnson and carried by a unanimous vote.

Respectfully submitted,

Geri Johnson, CMC
City Clerk